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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/351,723	07/12/1999	ROBERT C. WOHLSEN	1094	1138

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EXAMINER

AZAD, ABUL K

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/351,723

Applicant(s)

WOHLSEN ET AL.

Examiner

ABUL K. AZAD

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. This action is in response to the communication filed on November 28, 2001.
2. Claims 1-22 are pending in this action. Claims 1, 11, 13, 15, 17, 19 have been amended.
3. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 14 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As per claims 14 and 20, the applicant claimed as "speaker independent voice recognition"; since voice recognition is recognition of particular characteristics of a person's utterances; but speaker independent speech recognition does not recognize particular characteristics of a person's utterances, so it is inappropriate use of "voice recognition". For examination purpose it is interoperated as "speaker independent speech recognition".

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-13, 15-19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schier (US 6,246,988) and further in view of Webb et al. (Speaker Identification Experiments Using HMMs).

As per claim 1, Schier teaches, "a system for identifying a selected user from a first plurality of users," the system comprising:

"a first grammar extractor having a first input . . . corresponding identifier received at the first input" (col. 4, lines 14-58);

"a grammar storage . . . said identifier at the grammar storage input/output" (Fig. 3a, element 608);

"a second grammar extractor having an input . . . the second utterance received at the second grammar extractor input" (col. 4, lines 29-58);

"a first recognizer . . . most closely matching the grammar received at the first second input" (Fig. 3a).

As per claim 1, Schier does not explicitly teach a speaker-dependent and text dependent grammar. However, Schier teaches a pass number and/or password and voice print verification (Fig. 3a). Webb explicitly teaches a speaker-dependent and text dependent grammar for Identification of speaker (Page II-388, section Testing

Art Unit: 2654

Procedure). It would have been obvious to one of ordinary skill in the art at the time of the invention to use Webb's teaching in the invention of Schier because an artisan with ordinary skill in the art would readily recognize that high recognition accuracy will be achieved by using a speaker-dependent and text dependent grammar.

As per claim 2, Schier teaches, "wherein the first utterance comprises a password of the one of the plurality of users, and the second utterance comprises a password of the user" (Fig. 3a, elements 201 and 211).

As per claim 3, Schier teaches, "wherein first grammar extractor is the second grammar extractor" (Fig. 3a, element 608).

As per claims 4-10, Schier and Webb do not explicitly teach, "a third utterance uttered during second season, and the third utterance identifying a second plurality of users." However, Schier in view of Webb, teach a plurality of users. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a second recognizer, a third recognizer etc. to identify a plurality of users by using same method so that the choice of recognizing a plurality of users is routine experimentation and optimization in the absence of criticality.

As per claim 16, Schier teaches, "wherein the extracting the voiceprint step comprises extracting the voiceprint from the first utterance and the second utterance" (col. 4, lines 14-58).

As per claims 11-13, 15, 17-19, 21 and 22, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1-3 and 16.

Art Unit: 2654

8. Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schier and Webb as applied to claims 1, 11 and 17 above, and further in view of well known prior art (MPEP 2144.03).

As per claims 14 and 20, Schier and Webb do not explicitly teach a speaker independent speech recognition of the second utterance." However, Schier teaches the second utterance is a password. Official Notice is taken on the well-known speaker independent speech recognition. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use speaker independent speech recognition on the second utterance because an artisan with ordinary skill in the art would readily recognize that less memory would be required for a single password.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Marsha D. Banks-Harold**, can be reached at **(703) 305-4379**.

Any response to this action should be mailed to:

**Commissioner for Patents**

**Washington, D.C. 20231**

Or faxed to:

**(703) 872-9314**

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Art Unit: 2654

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center's Customer Service Office whose telephone number is **(703) 305-4700**.

Abul K. Azad

April 22, 2002

*Vijay Bhavar*  
*4/22/02*